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MCC:JJT:mel:2001V00126

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,
Plaintiff

v.

JAKE MENDEZ;
JESUS "JESSE" GONZALEZ;
JAMES "JIMMY" SCARBOROUGH; and
KELLY M. KEISER,
Defendants

:
:
:
: Civil No. 1:CV-00-2143
: (McClure, J.)
: (Blewitt, M.J.)

FILED
WILLIAMSPORT, PA

FEB 15 2002

DEFENDANTS' MOTION FOR JUDGMENT
ON THE PLEADINGS

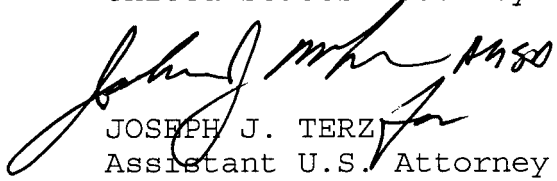
MARY E. D'ANDREA, CLERK
Per KF
Deputy Clerk

Defendants move this Court for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney


JOSEPH J. TERZ
Assistant U.S. Attorney
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316 Federal Building
240 West Third Street
Williamsport, PA 17703

Date: February 15, 2002

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-00-2143
	:	(McClure, J.)
JAKE MENDEZ;	:	(Blewitt, M.J.)
JESUS "JESSE" GONZALEZ;	:	
JAMES "JIMMY" SCARBOROUGH; and	:	
KELLY M. KEISER,	:	
Defendants	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.


That this 15 day of February 2002, she served a copy of the attached

DEFENDANTS' MOTION FOR JUDGMENT
ON THE PLEADINGS

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

ADDRESSEE:

John Charles Kenney
Reg. No. 05238-041
U.S. Penitentiary
P.O. Box 3000
White Deer, PA 17887


MICHELE E. LINCALIS
Paralegal Specialist

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CHARLES KENNEY,	:
Plaintiff	:
	:
v.	: Civil No. 1:CV-00-2143
	: (McClure, J.)
JAKE MENDEZ;	: (Blewitt, M.J.)
JESUS "JESSE" GONZALEZ;	:
JAMES "JIMMY" SCARBOROUGH; and	:
KELLY M. KEISER,	:
Defendants	:

O R D E R

NOW, this _____ day of _____, 2002, upon consideration of defendants' motion for judgment on the pleadings, **IT IS HEREBY ORDERED THAT** the motion is granted with a certification that any appeal shall be deemed frivolous, lacking in probable cause and not taken in good faith.

JAMES F. McCLURE, JR.
United States District Judge